## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)
09/747,428	VAIDYA ET AL.
Examiner	Art Unit
Sana Al-Hashemi	2164

	Sana Al-Hashemi	2164	
The MAILING DATE of this communication appear	ars on the cover sheet with the o	correspondence add	ress
THE REPLY FILED 23 March 2007 FAILS TO PLACE THIS AP		•	
1. A The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a Nor a Request for Continued Examination (RCE) in compliance	the same day as filing a Notice of ving replies: (1) an amendment, af tice of Appeal (with appeal fee) in	Appeal. To avoid aba fidavit, or other eviden compliance with 37 Cl	nce, which FR 41.31; or (3)
time periods: a) The period for reply expires 3_months from the mailing date	of the final rejection		
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire la	dvisory Action, or (2) the date set forth ater than SIX MONTHS from the mailin	g date of the final rejecti	on.
Examiner Note: If box 1 is checked, check either box (a) or ( TWO MONTHS OF THE FINAL REJECTION. See MPEP 70		Ē FIRST REPLY WAS F	ILED WITHIN
Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of ext under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL	on which the petition under 37 CFR 1. tension and the corresponding amount thortened statutory period for reply origon than three months after the mailing date.	of the fee. The appropri	iate extension fee ce action; or (2) a
<ol> <li>The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exter a Notice of Appeal has been filed, any reply must be filed AMENDMENTS</li> </ol>	nsion thereof (37 CFR 41.37(e)), to	o avoid dismissal of th	ns of the date of e appeal. Since
3. The proposed amendment(s) filed after a final rejection, I	out prior to the date of filing a brief	will not be entered b	ecause
(a) They raise new issues that would require further con	nsideration and/or search (see NO		
<ul> <li>(b)  They raise the issue of new matter (see NOTE beloge)</li> <li>(c)  They are not deemed to place the application in bet appeal; and/or</li> </ul>	• •	ducing or simplifying	the issues for
(d) They present additional claims without canceling a	corresponding number of finally rej	jected claims.	
NOTE: (See 37 CFR 1.116 and 41.33(a)).	NA O		(DTOL 204)
<ul> <li>4.  The amendments are not in compliance with 37 CFR 1.12</li> <li>5.  Applicant's reply has overcome the following rejection(s):</li> </ul>		Impliant Amendment	(PTUL-324).
Newly proposed or amended claim(s) would be all non-allowable claim(s).		timely filed amendme	ent canceling the
7.  For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is provided that the status of the claim(s) is (or will be) as follows: Claim(s) allowed:		II be entered and an e	explanation of
Claim(s) objected to:			
Claim(s) rejected: <u>1-24</u> . Claim(s) withdrawn from consideration:			
AFFIDAVIT OR OTHER EVIDENCE			
<ol> <li>The affidavit or other evidence filed after a final action, bu because applicant failed to provide a showing of good and was not earlier presented. See 37 CFR 1.116(e).</li> </ol>			
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to o showing a good and sufficient reasons why it is necessary	vercome all rejections under appe	al and/or appellant fai	ils to provide a
10. The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER	n of the status of the claims after e	entry is below or attach	ned.
11.  The request for reconsideration has been considered bu See Continuation Sheet.	t does NOT place the application i	n condition for allowar	nce because:
12. Note the attached Information Disclosure Statement(s).	(PTO/SB/08) Paper No(s).		
		hope	
		Sana AL-Hashemi Primary Patent Exa	

Art Unit 2164

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that the prior art fails to disclose the limitation of "modifying one or more state attributes associated with said nodes to control merging and updating of layers to a resulting layered hierarchical database in response to said client request".

Examiner disagrees. First of all Applicant argues the specification which is not in the claims language, and this make this argument invalid argument, since applicant any argues the claimed subject matter and claimed in the claim language and not as defined in the specification. However, the Examiner will address the applicant argument in light of the specification to some extend. Applicant specifies the state attribute in the specification is "The state attribute has information relating to the last operation that was performed on its corresponding data element." Which could be a way identifying the change in the state attributes and since the claims are given the broadest reasonable interpretation, Examiner relied on Lee provisional application No. 60/182939 on page 5, 2nd paragraph Lee discloses a mapping elements in XML documents into the corresponding relational tables, the algorithm may use the metadata collected during schema migration to establish relationships among relational tables. Also, metadata may be augmented or updated during the data loading process. There are some properties of the data (e.g., physical ordering relationship) need to be collected and maintained in the database, while some metadata may be useful for query processing, e.g., which tables should be joined in order to answer certain queries, which corresponds to the claimed/argued limitation.

Applicant argues that the Lee "fails to disclose a state attribute that 'indicates a last action taken on a corresponding data element". Examiner disagrees. Lee provisional application discloses on page 21, 1.2 Our Approach the 4th bullet Lee discloses whenever there is a data update happened at the relational tables, the update is also reflected in the XML documents, and the XML documents are still valid, which corresponds to the claimed/ argued limitation.

Applicant argues that the Lee fails to teach or suggest, "each one of said attributes includes a value of one of default, replaced, modified, and deleted."

Examiner disagrees. First of all, the attribute value is inherent in the XML and each attribute includes a default value. Further more on page 23, 5th paragraph, Lee discloses a Attribute-list declarations define the attributes of an element type. The declaration includes attribute names, default values and types, such as CDATA, NOTATION, ENTITY, etc.. Two special types of attributes, ID and IDREF, are used to define references between elements, which corresponds the claimed/argued limitation.

Applicant argues that the applied art fails to discloses the "plurality of nodes in a layered hierarchically organized database, and managing the nodes using XML state attributes.

Examiner disagrees. Nowhere in the specification Applicant disclose the state attributes comprises XML, format attribute. However, the XML and HTML both are mark up languages and replacing HTML with the XML may improve the web developers and designers performance by allowing the to create customized tags that offer greater flexibility in organizing and presenting information than is possible with the older HTML document coding system. XML a language standard published by the W3C and supported by the industry. Applicant is requested to points out where in the specification this limitation is defined.

Applicant argues that the reference applied fails to disclose the "each one of said state attributes includes a value of one of default, replace, modified, and deleted, indicating a last action taken on a corresponding data element".

Examiner disagrees. Refereeing to Col. 3, lines 24-34, Howland discloses the argued limitation.